

# **Citizen's Guide to Filing a Complaint**



**2007**

### INTRODUCTION

The Connecticut Office of State Ethics (OSE) is an independent regulatory agency for the state of Connecticut, charged with administering and enforcing Connecticut General Statutes, Chapter 10, Parts I and II, with limited jurisdiction over Part IV.

The Ethics Codes under the OSE's jurisdiction are comprised of:

- The Code of Ethics for Public Officials (Part I);
- The Code of Ethics for Lobbyists (Part II); and
- Limited jurisdiction over Ethical Considerations Concerning Bidding and State Contracts (Part IV).

This guide provides general information only. The descriptions of the law and the OSE are not intended to be exhaustive. Please contact the OSE with any questions regarding interpretation of the law.

Please note that some statutory or other provisions discussed in this guide are not part of the Codes of Ethics and are provided strictly for informational purposes only.

For more information on the subjects discussed in this guide, call, write or visit:

**Connecticut Office of State Ethics**  
**18-20 Trinity Street**  
**Suite 205**  
**Hartford, CT 06106**  
  
**860/566-4472**  
**[www.ct.gov/ethics](http://www.ct.gov/ethics)**



***Citizen's Ethics Advisory Board:***

**Patricia T. Hendel, Chairperson** (through September 2007)  
**Robert Worgahtik, Vice Chairperson** (through September 2009)  
**Jaclyn Bernstein** (through September 2008)  
**Rebecca M. Doty** (through September 2007)  
**Enid Oresman** (through September 2009)  
**Dennis Riley** (through February 2010)  
**Michael Rion** (through September 2008)  
**Scott A. Storms** (through September 2007)  
**Sister Sally J. Tolles** (through September 2009)

### CONTENTS

Introduction	2
Filing a Complaint	
What Constitutes a Formal Complaint?	4
OSE's Jurisdiction	4
Proper Complaint Form	5
Confidentiality	
Overview	6
Publication of Findings	6
No Probable Cause	6
Probable Cause	6
Complaint: Process and Stages	
Procedure	7
Timeframes	7
Penalties	8
Statute of Limitations	8
Additional Information	8

### FILING A COMPLAINT

This guide explains how to file a complaint with the OSE and describes how complaints are processed.

#### What constitutes a formal complaint?

Enforcement of the Codes is initiated by a complaint, filed by the Ethics Enforcement Officer or any member of the public. In most cases where the Ethics Enforcement Officer files a complaint, it is preceded by a confidential staff evaluation conducted by the Enforcement Division of the OSE.

A complaint from a member of the public must comply with certain requirements. It **must**:

- Be filed on the proper OSE complaint form, as prescribed by the Citizen's Ethics Advisory Board (Board) (pictured on page 5);
- Contain an original signature (signed under penalty of false statement); and
- Be filed directly (via hand delivery or U.S. Mail) with the Office of State Ethics.

In filling out the complaint form, it is best to complete the requested information with as much detail as possible. In other words, your complaint form **should**:

- Clearly recite the facts that show specific violations under the OSE's jurisdiction (and note specific statutory citations, if possible);
- Clearly identify each person or group that is alleged to have committed a violation (called the respondent/s);
- Include any documentation supporting the allegations, if available (listed and attached as "Exhibit 1," "Exhibit 2," and so on); and
- Identify the source of statements made that are not based on personal knowledge, when possible.

*The Enforcement Division receives many "tips" for review, but only a formal complaint initiates a formal action. A formal complaint is **not** an e-mail, a telephone call, a written statement on paper that is not the proper form, a form that is sent via fax or e-mail, an anonymous statement, or a form without the full name, address and phone number of the complainant (the person filing the complaint).*

#### The OSE's Jurisdiction

All **state officials and employees** (except judges) are covered by Part I of the Code of Ethics for Public Officials. Connecticut General Statutes Sections 1-79 – 1-90. Certain provisions of the Code also apply to public officials and state employees after they leave state service. These laws were enacted to prevent individuals from using their public position or authority for personal financial benefit.

Connecticut General Statutes Sections 1-84 and 1-85, 1-86 and 1-86d contain specific rules that pertain to **legislators**. These sections are intended to prevent one from using public position or authority for personal financial benefit.

\_\_\_\_\_

Current or potential **state contractors** are covered by Part IV of the Code of Ethics. Section 1-101nn specifically covers willful violation or attempts to circumvent state competitive bidding procedures and ethics laws. Consultants and independent contractors are noted in Connecticut General Statutes Section 1-86e.

**Note: The OSE does *not* have jurisdiction over local or municipal issues, or over individuals who are not state employees, public officials, registered lobbyists, or otherwise regulated by the Codes of Ethics.**

The complaint form is pictured below and can be obtained in person at the OSE, 18-20 Trinity Street in Hartford, CT, 860-566-4472; or from our Web site, [www.ct.gov/ethics](http://www.ct.gov/ethics).

5

### CONFIDENTIALITY

#### Overview

Any complaint alleging a violation of the Codes of Ethics will remain **confidential** except:

- After a judge trial referee makes a finding of probable cause;
- Upon request of the respondent (the person who is the subject of the complaint); or
- Upon an agreed resolution of the matter by consent order.

Likewise, any investigation conducted prior to a *probable cause finding* (a determination by a judge trial referee that there is probable cause to believe that a public official, state employee, or lobbyist has violated a provision of the Codes) remains confidential except upon the request of the respondent. This means that the allegations in the complaint and any information supplied to or received from the OSE during the investigation will not be disclosed to any third party. **While the investigation is confidential, no one – the complainant, respondent, witnesses, designated party, OSE Board member, OSE staff member – may disclose that a complaint has been filed, or any information related to the investigation of the complaint.**

#### Publication of Findings

If the Enforcement Division of the OSE finds there has been no violation of the Codes, the investigation will be terminated and the complaint dismissed. Within three days after an investigation is terminated, the Enforcement Division of the OSE will inform both complainant and respondent of its finding and provide each the summary of its reasons for making that finding. Upon the respondent's request only, the OSE may publish the findings and the accompanying summary.

#### No Probable Cause

Should a judge trial referee make a finding of no probable cause after a probable cause hearing, the initial complaint and all related OSE records will remain confidential, except upon the request of the respondent. No party involved may disclose any details of the investigation, including knowledge of the existence of the complaint itself.

#### Probable Cause

If a judge trial referee makes a finding of probable cause after a probable cause hearing, that finding must be made public within five days. This means that the entire record of the investigation will become public, unless the OSE postpones release of records for up to two weeks for the purpose of attempting to reach a consent order or settlement.

**Note:** While all parties must maintain confidentiality, the Enforcement Division of the OSE is permitted by law to report, at any time, the possible commission of a crime to the Chief State's Attorney or another prosecutorial authority.

### COMPLAINT STAGES AND PROCESS

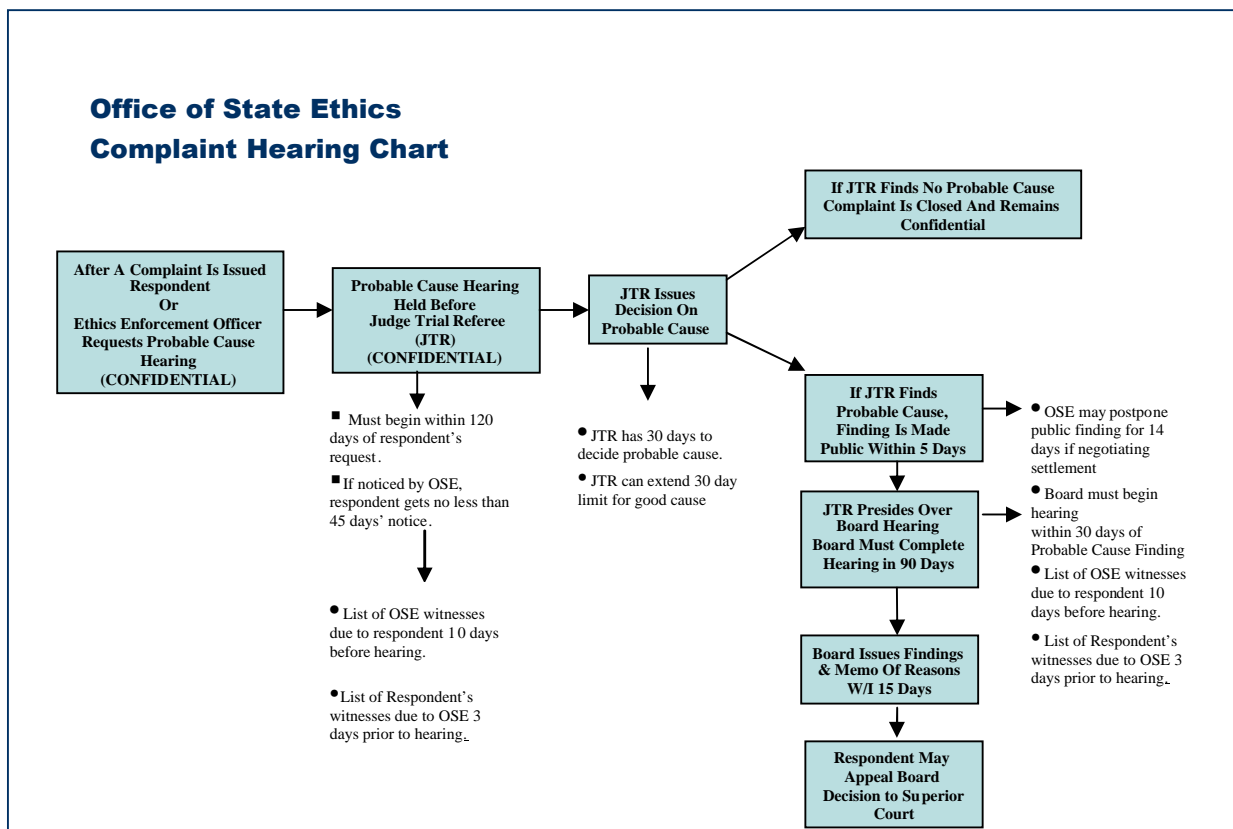
#### Procedure

The filing of a complaint triggers the following three-step process:

1. Enforcement Division completes a preliminary investigation, which may include informal interviews, subpoenas for documents and testimony under oath;
2. Upon completion of the preliminary investigation, a probable cause hearing may be held before a judge trial referee;
3. If the judge trial referee finds there is probable cause to believe a violation has occurred, the case is presented for administrative trial, at which a different judge trial referee presides, with the Citizen's Ethics Advisory Board serving as the jury. (If the Board decides after a hearing that a violation has occurred, the respondent may appeal the decision to the Superior Court.)

At any stage of this process, the Enforcement Division and the respondent may attempt to negotiate the terms of an agreed order to *settle* the matter. Once approved, the **consent order** becomes public record.

#### Timeframes



### PENALTIES

After a finding or admission of a violation, the Citizen's Ethics Advisory Board can order the respondent to:

1. **Comply** with the Code in the future;
2. **File** any required report or statement; and/or
3. **Pay** a civil penalty of up to \$10,000 per violation.

The Board may also revoke a lobbyist's registration or ban a contractor from the approved contractors list if a violation has occurred.

Alternately, for failure to file a report, statement, or other information required by the Code, the Board can, after a single hearing, impose a civil penalty of up to \$10 per day, for which the aggregate penalty for any one violation may not exceed \$10,000.

The Office of State Ethics may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

The Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

*If a false complaint (without foundation in fact) is knowingly made, the respondent may have a cause of action against the complainant for double the amount of damage caused by the complaint. The respondent may also be awarded resultant court costs and attorneys' fees. Connecticut General Statutes Section 1-82(c).*

### STATUTE OF LIMITATIONS

Per the Statute of Limitations, a complaint may not be prosecuted if it is filed **five years** or more after the violation alleged in the complaint has been committed.

### FOR MORE INFORMATION

This guide provides general information only. The descriptions of the law and the OSE are not intended to be exhaustive. For more information regarding the Code of Ethics as it pertains to filing a complaint, please contact the Office of State Ethics, Monday – Friday, 8:30 a.m. to 5:00 p.m.; 860-566-4472; [www.ct.gov/ethics](http://www.ct.gov/ethics).